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Promotion and protection of human rights: implementation of human rights instruments

United Nations Voluntary Fund for Victims of Torture

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolutions 36/151 and 70/146. It describes the outcome of the forty-third session of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, in particular the expert workshop on redress and rehabilitation of child and adolescent victims of torture and the intergenerational transmission of trauma.

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I. Introduction

A. Submission of the report

1. The present report was prepared in accordance with the arrangements approved by the General Assembly in its resolution 36/151, by which it established the United Nations Voluntary Fund for Victims of Torture. It presents the outcome of the forty-third session of the Board of Trustees of the Fund, held in Geneva from 4 to 8 April 2016. The present report complements the report on the activities of the Fund submitted to the Human Rights Council at its thirty-first session (A/HRC/31/23), in March 2016.

B. Mandate of the Fund

2. The Fund receives voluntary contributions from Governments, non-governmental organizations and individuals. In accordance with its mandate and the practice established by its Board of Trustees, the Fund provides grants to established channels of assistance, including non-governmental organizations, associations of victims and members of their families, private and public hospitals, legal clinics, public interest law firms and individual lawyers, that submit projects involving medical, psychological, social, financial, legal, humanitarian and other forms of direct assistance to victims of torture and members of their families.

C. Administration of the Fund and Board of Trustees

3. The Secretary-General administers the Fund through the Office of the United Nations High Commissioner for Human Rights (OHCHR), with the advice of a Board of Trustees composed of five members acting in their personal capacity and appointed by the Secretary-General with due regard for equitable geographical distribution and in consultation with their Governments. The Board is currently composed of Maria Cristina Nunes de Mendonça (Portugal), Morad el-Shazly (Egypt), Anastasia Pinto (India), Mikolaj Pietrzak (Poland) and Gaby Oré Aguilar (Peru).

II. Forty-third session of the Board of Trustees

4. The forty-third session of the Board was held in Geneva from 4 to 8 April 2016 and was chaired by Gaby Oré Aguilar. At the session, the discussions held focused on two main areas, notably the functioning of the Fund and knowledge-sharing in the field of redress and rehabilitation of victims of torture.

A. Functioning of the Fund

5. As part of its efforts to improve the impact and the quality of the Fund's operations, at the session the Board identified a number of measures to operationalize the Fund's new policy set forth in 2014. In particular, the Board adopted recommendations to (i) clarify the Fund's regular grant-making procedure for projects providing direct assistance to victims; (ii) fully operationalize its

inter-sessional emergency granting procedure; and (iii) define its new capacity-building granting procedure expected to be launched in 2017.

6. With regard to its regular grant-making procedure, the Board recommended to further streamline, through a competitive review of project proposals, the volume of grants for direct assistance to the aspirational target of 150 annual regular grants of an average of $50,000 by 2019. To that end, the Fund will give priority to project proposals addressing thematic areas identified by the Board in the context of annual calls for applications.

7. In addition, the Fund will set aside annually 10 per cent of the net resources available for grant-making to supply its inter-sessional emergency procedure aimed to respond rapidly to assistance requests resulting from human rights and/or humanitarian crises around the world.

8. Finally, the Board underlined the need for the Fund to promote the development of know-how in regions of the world that are more isolated and less resourceful. It thus agreed that, as of 2017, the Fund will dedicate 2.5 per cent of its net resources annually for capacity-building initiatives aimed to strengthen the professional development and/or the organizational capacity of applicant organizations, in particular through the transfer of knowledge and expertise from centres already supported by the Fund to new initiatives.

B. Knowledge-sharing

Expert workshop on redress and rehabilitation of child and adolescent victims of torture and the intergenerational transmission of trauma

9. On 6 and 7 April, the Board of Trustees convened a two-day expert workshop of expert practitioners on redress and rehabilitation of child and adolescent victims of torture and the intergenerational transmission of trauma in Geneva (see annex).

10. The workshop brought together 17 professionals from various backgrounds (medical, psychological, social and legal) from rehabilitation centres financially supported by the Fund. Alessio Bruni, Vice-Chairperson of the Committee against Torture, Benyam Dawit Mezmur, Chairperson of the Committee on the Rights of the Child, Martin Babu Mwesigwa, member of the Committee on the Rights of Persons with Disabilities, Suzanne Jabbour, Vice-Chairperson of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Nicolette Moodie, Human Rights Specialist at the United Nations Children's Fund (UNICEF), Pieter Ventevogel, Senior Mental Health Officer at the Office of the United Nations High Commissioner for Refugees (UNHCR), Victor Madrigal-Borloz, Secretary-General of the International Rehabilitation Council for Torture Victims and Carolina Barbara, Coordinator of the Child Rights Programme at the World Organisation Against Torture also participated in the workshop.

11. The workshop was part of the Fund's annual series of expert discussions, initiated in 2014 as part of the Fund's new mission statement with the aim of collecting and disseminating expertise and best practices on redress and rehabilitation of victims of torture. The workshop enabled an informed discussion on the particular ways in which torture affects children and adolescents and the main challenges in relation to redress and rehabilitation of child victims. The workshop also focused on prevention strategies of the intergenerational transmission of trauma.

12. The workshop was organized around three panel discussions and is summarized in a stand-alone report available on the Fund's website (www.ohchr.org/torturefund). The main findings of the workshop were as follows:

(a) The torture of children and adolescents is a cruel reality, which appears to be on the increase. Despite the strong United Nations anti-torture architecture, torture is still endemic and is often publicized and condoned. The consequences of torture can have a cumulative impact on child and adolescent vulnerability, particularly on those children and adolescents who are most at risk, such as refugee and displaced children and adolescents, children and adolescents affected by armed conflict, child soldiers, children and adolescents in extreme poverty, children and adolescent victims of contemporary forms of slavery and children and adolescents who experience multiple and intersecting grounds of discrimination;

(b) There is growing scientific evidence on the dramatic damage that torture inflicts on children, as well as other physical, psychological, social and developmental challenges, which may have lifelong consequences on a child's future, if rehabilitation and redress are not timely and adequately provided. Holistic, specialized and timely therapeutic interventions help children elaborate and understand the meaning of their traumatic torture experiences;

(c) Trauma resulting from torture is "contagious". Torture transcends the individual victim and affects families and whole communities. Healing and rehabilitation need to take into account that the process of trauma understanding and healing is heavily context-based and culturally embedded;

(d) Strengthening efforts to prevent intergenerational transmission of trauma and building resilience, including by breaking the silence of trauma at the individual and societal levels, is paramount for the prevention of the intergenerational transmission of trauma. Silence from the victims and the society reinforces stigmatization. Making the issue visible will compel public policy response and enable timely and adequate therapeutic support, reparation and justice, which is the basis for ending the intergenerational transmission of trauma;

(e) The need for a multi-disciplinary, comprehensive and victim-tailored approach to rehabilitation. There is no universal model that can be applied to help deal with the trauma that is caused by torture. Assistance to children and adolescents should be flexible and adapted in order to effectively respond to realities on the ground and be possible to be tested in different environments that present a variety of cultural, contextual and socioeconomic dimensions. It should include a gender perspective and be victim-oriented, counting on the participation of the child/adolescent. The best interest of the child should always be a primary consideration;

(f) Bringing international and national actors together. There is a gap to be bridged between the international and national actors working within the child protection framework and those operating towards the eradication of torture. The jurisprudence on torture and children issued by the Committee on the Rights of the Child and the Committee against Torture needs to be further strengthened. Similarly, while there is a wealth of clinical literature regarding other traumas affecting children, there is limited literature regarding children who have endured torture;

(g) Strengthening ties between rehabilitation and redress. Stronger links have to be pursued between the clinical and legal work specifically required to deal with the traumatic experiences of children and adolescents affected by torture. Both areas of work mutually benefit each other. It is also important to translate clinical language into policy terms and using the findings arising from the vast knowledge of child practitioners to advance jurisprudence, particularly at the national level.

13. The panel discussions addressed three main themes, which are summarized below.

"Understanding the challenges: rights and needs of child and adolescent victims of torture"

14. Children and adolescents are already in a situation of vulnerability and the consequences of torture can have a cumulative impact on that vulnerability. The effects of torture on children and adolescents are often further exacerbated owing to their experience with multiple and intersecting grounds of discrimination, such as disability, gender, ethnic origin, nationality and sexual orientation. These factors need to be taken into account in the process of seeking justice, redress and rehabilitation for children and adolescents.

15. The participants underscored that children are victims of torture in various contexts around the world, including during armed conflicts and when in conflict with the law and in detention or custodial settings. In addition to the massive physical and emotional damage on the developing minds and bodies of children and adolescents as a result of torture, the experience of such profound helplessness may fundamentally impair the child's ability to trust, freely develop her or his personality and confidently navigate changing circumstances. Furthermore, if adequate therapeutic support is not provided, unprocessed trauma can lead to the intergenerational transmission of trauma.

16. The discussions emphasized the importance of addressing child trauma early, even in some cases during the first year of the child's existence. Child-sensitive approaches should be used to enable child victims to express themselves, while taking into account the importance of body language.

17. Experts had the opportunity to examine existing gaps and challenges. The jurisprudence of the United Nations treaty-based system deals mainly with prevention of torture without specifically focusing on the experience of child victims of torture. Additionally, the lack of research and documentation on providing redress and rehabilitation to child victims of torture is an obstacle to developing targeted advocacy and policy.

"Walking through the healing process: The rehabilitation journey of child and adolescent victims of torture"

18. The experts highlighted the issue of "resilience" as the ability of the human being to overcome adversity, and they stressed the need for the healing process to begin by helping victims to accept their victimhood and empowering them throughout the healing process.

19. The experts agreed that there is no universal model that can be applied to help deal with the trauma that is caused by torture. Existing models need to be creative and flexible in order to effectively respond to the realities on the ground and to be

tested in different environments that present a variety of cultural, contextual and socioeconomic dimensions. These models need to be child-sensitive and take into account the best interests of the child, the child's evolving capacities and the child's right to freely express her/his own views in all matters affecting her or him. They need also to effectively address specific realities faced by child and adolescent victims of torture, including children and adolescents who have been forced to perpetrate serious crimes, children and adolescents deprived of their liberty and children and adolescents affected by armed conflict, including former child soldiers.

20. The process of healing and rehabilitation for child and adolescent victims of torture requires much more than psychological support and must instead be founded on a comprehensive response that (a) ensures the creation of a safe environment for the victim to develop and articulate her/his narrative: (b) provides the victim with affirmation and reassurance about her/his agency and the sense of wrongdoing that she/he has been subjected to; and (c) focuses on rebuilding and recreating meaningful social relationships for the victim. Expert practitioners in the area of rehabilitation must develop and implement therapeutic tools that foster the resilience of victims by strengthening their competence and autonomy and focusing on the notion of "relatedness".

21. The discussions also highlighted the importance of strengthening the links between rehabilitation and redress. Participants agreed that the pursuit of justice and truth can help the rehabilitation process, whereas their absence may contribute to a "conspiracy of silence" culture wherein affected families and communities avoid talking about experiences of torture. Parents' hidden and unexpressed trauma negatively affects children, as they are likely to nourish fantasies related to their parents' unspoken experiences, which can be very traumatic. Participants also recommended the incorporation, whenever possible, of creative and appropriate legal solutions within the overall rehabilitation process, including by paying particular attention to the rights and needs of children and adolescents.

"Preventing, identifying and treating: the intergenerational transmission of trauma affecting children and adolescents"

22. The experts noted that trauma never exists in a vacuum. It is embedded in one's existence and society. For instance, the children of parents who were tortured may bear the consequences of their parents' trauma and they may in turn eventually transfer that trauma to their own children. Thus, the intergenerational transmission of trauma has the potential to perpetuate the long-term effects of torture in families and society.

23. The experts pointed out that the main pillars of preventing the intergenerational transmission of trauma are memory, justice, redress and therapeutic rehabilitation. Acknowledging the suffering of the victims and restoring the memory of events compels public policy responses and can facilitate integral reparation and justice. Furthermore, providing adequate redress can fulfil the child's need to understand that what was done to them was wrong and demonstrate that there are adults and organizations working to address the harm caused and prevent its recurrence.

24. The participants also emphasized that the silence in relation to trauma can in fact exacerbate the short and long-term consequences of that trauma, specifically to children whose parents are victims of torture. Breaking the silence about the trauma

may facilitate to sensitize societies about the realities of children affected by torture, particularly in societies where silence persists or where the trauma experienced by victims is not recognized.

C. Increased outreach

25. Following the two-day expert workshop, on 8 April, the Board of Trustees convened a public event entitled "How can children survive torture? Lessons learnt on their redress and rehabilitation". The event was open to all Geneva-based State delegations, intergovernmental organizations, civil society and the media. The panel discussion featured the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, and practitioners from grantee organizations of the Fund. The event was attended by 42 permanent missions, UNICEF, UNHCR, civil society actors and the media, including United Nations Television and United Nations Radio.

26. At the event, the value of redress and rehabilitation as core components in the fight against torture was emphasized, in particular their impact on the individual, the family and society. Experts also spoke of the intergenerational transmission of trauma, which has the potential to perpetuate the long-term effects of torture in families and society, and presented the experiences gathered on the ground on the impact of trauma, as well as the methodologies used to assist victims to overcome it.

III. Coordination with other torture-related United Nations human rights mechanisms

27. In the reporting period, the Board continued to pursue cooperation with other United Nations torture-related mechanisms. Members of the Committee against Torture, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities and the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment were therefore invited by the Board to participate in the expert workshop and the public event mentioned above.

28. On 3 May 2016, Anastasia Pinto, on behalf of the Fund's Board of Trustees, participated in a one-hour meeting with the Committee against Torture at its fifty-seventh session. Annual meetings between the Board of the Fund and the Committee against Torture have become an established practice since the adoption of the Fund's 2014 mission statement that foresees closer relations with all other United Nations anti-torture mechanisms.

IV. United Nations International Day in Support of Victims of Torture

29. On 26 June 2016, the International Day in Support of Victims of Torture was commemorated with a statement issued by the Secretary-General, a video message by the High Commissioner and a joint statement by the Committee against Torture, the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture.

30. In his statement, the Secretary-General noted that despite its absolute prohibition under international law, the dehumanizing practice of torture remains pervasive and, most disturbingly, is even gaining acceptance. Torture can never be used at any time or under any circumstances, including during conflict or when national security is under threat.

31. The Secretary-General stated that victims of torture had the right to compensation and rehabilitation and reminded States of their obligation under international law to provide redress to victims. When States neglect their obligation to prevent torture, and fail to provide torture victims with effective and prompt redress, compensation and appropriate forms of rehabilitation, the United Nations Voluntary Fund for Victims of Torture is a lifeline of last resort. The Secretary-General strongly urged States to stand by victims by supporting the Fund and by remaining fully engaged in the fight against torture and impunity.

32. In his video message, the High Commissioner stressed that torture is a severe violation of human rights that can never be justified. Victims of torture come from many walks of life and they are in all countries. They may be human rights defenders, migrants, journalists, persons with disabilities, indigenous people or members of minority groups or people from the lesbian, gay, bisexual and transgender community. The High Commissioner expressed his concern about the rising number of children victims of torture and highlighted the vulnerability of child migrants and refugees, particularly those suffering detention at borders.

33. The joint statement issued on the same day by the Committee against Torture, the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture called on States to redouble efforts to prevent the ill-treatment and torture faced by lesbian, gay, bisexual, transsexual and intersex people, particularly in places of deprivation of liberty, including prisons, health-care facilities and immigration detention. The experts highlighted the absence of training to understand the needs of lesbian, gay, bisexual, transsexual and intersex people and to avoid their stigmatization in detention. In addition, they stressed the lack of policies and methods to recognize people's self-identified gender, and to carry out proper risk assessments in places of detention. Finally, they called on the States to comply with their obligations under international human rights law and standards such as the Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity.

V. Thirty-fifth anniversary of the Fund

34. The United Nations Voluntary Fund for Victims of Torture is the oldest and largest Trust Fund managed by OHCHR with a distinct victim-focused mandate. The year 2016 n arks the thirty-fifth anniversary since its establishment by the General Assembly. This anniversary year has provided a timely opportunity to (i) commemorate the Fund's accomplishments to date; (ii) increase awareness of the ongoing threat of torture; (iii) recall the unaddressed needs and rights of thousands of victims of torture in every continent and the duty of States to provide redress and rehabilitation; and (iv) urge renewed support in the form of voluntary contributions from Member States and private donors.

35. Over the last three decades, the Fund has channelled financial assistance of over $168 million to more than 620 organizations worldwide, providing medical, psychological, humanitarian, social and legal assistance to victims of torture and members of their families. In 2016 alone, a total of over 57,000 victims in over 80 countries are expected to be assisted by specialized practitioners from rehabilitation centres, non-governmental organizations and legal aid groups with the critical support of the Fund.

36. To showcase its achievements, a targeted communications campaign was launched, culminating in the International Day in Support of Victims of Torture (26 June). Testimonies of both victims and caregivers were collected and shared through short videos and a new publication entitled "From Horror to Healing: A Life-Saving Journey Supported by the UN Fund for Victims of Torture". All material can be viewed at www.ohchr.org/torturefund.

37. On 16 June, a high-level panel discussion entitled "Why we should invest in rehabilitating victims of torture" was held at the United Nations in Geneva to mark the International Day in Support of Victims of Torture and the thirty-fifth anniversary of the Fund in the margins of the thirty-second session of the Human Rights Council. The event was organized jointly by the Delegation of the European Union to the United Nations in Geneva, together with the Permanent Missions of South Africa and Denmark, and with the support of the Fund. The participants in the event recognized that torture and the unaddressed trauma induced by torture may have lifelong consequences in terms of physical, psychological and social development, which are felt beyond the individual by families, communities and society as a whole. They also stressed that supporting victims of torture is not a charity act, but rather a State obligation under international law. However, the burden of rehabilitation is too often placed on civil society organizations.

VI. Financial situation of the Fund

38. In 2015, the Fund received the following voluntary contributions exceeding $9 million (see table below).

Contributions received from 1 January 2015 to 31 December 2015

Donor	*Amount (United States dollars)*	*Date of receipt*
States		
Andorra	10 928.96	20 August 2015
Argentina	15 000.00	12 November 2015
Austria	28 058.36	1 October 2015
Chile	20 000.00	7 January 2015
Czech Republic	4 045.27	21 December 2015
Denmark	456 760.05	6 February 2015
Finland	220 994.48	21 July 2015
France	54 704.60	31 December 2015
Germany	179 894.18	11 December 2015
Germany	583 244.96	24 March 2015

Donor	*Amount (United States dollars)*	*Date of receipt*
Holy See	2 000.00	28 October 2015
India	25 000.00	26 January 2015
Ireland	146 262.19	28 April 2015
Italy	31 746.03	22 June 2016
Kuwait	10 000.00	24 February 2015
Liechtenstein	24 900.40	24 March 2015
Luxembourg	10 834.24	27 April 2015
Mexico	10 000.00	4 November 2015
Morocco	4 000.00	7 January 2015
Netherlands	30 000.00	16 November 2015
Norway	107 226.23	27 April 2015
Oman	5 000.00	4 February 2016
Peru	1 541.66	26 June 2015
South Africa	8 087.63	30 March 2015
United Arab Emirates	10 000.00	20 August 2015
United Kingdom of Great Britain and Northern Ireland	508 499.24	24 December 2015
United States of America	6 400 000.00	23 December 2014
United States of America	100 000	Outstanding pledge
Individual donors		
Nederlands Juristen Comité voor de Mensenrechten	5 025.00	27 April 2015
Others	319.99	4 January 2016
Total	**9 014 073.47**	

39. The Fund expects to keep the $9 million mark in 2016. However, this figure is still far from the $12 million target, which is estimated by the Board of Trustees as being the threshold that would enable the Fund to meet all demands, including those made in the context of emergency and humanitarian crises.

VII. How to make a contribution to the Fund

40. Governments, non-governmental organizations and other private or public entities can contribute to the Fund. For more information on how to contribute and further details about the Fund, donors are requested to contact the secretariat of the United Nations Voluntary Fund for Victims of Torture, Office of the United Nations High Commissioner for Human Rights, United Nations, CH 1211 Geneva 10, Switzerland; e-mail: unvfvt@ohchr.org; telephone: 41 22 917 9624; fax: 41 22 917 9017.

41. Donations can also be made online at http://donatenow.ohchr.org/torture. Information on the Fund can be found at www.ohchr.org/torturefund.

VIII. Conclusions and recommendations

42. The complexity of contexts and crises in which torture takes place has grown in recent years. Alarmingly, from the data gathered from project proposals being received by the Fund, an increasing number of victims are children and adolescents, who experience directly or indirectly this grave human rights violation with long-term damaging effects on their development, as well as their mental and physical health. The need for redress and rehabilitation has become more pressing and urgent than ever, and should be tailored to the specific needs of child and adolescent victims of torture.

43. In the light of the expert discussions facilitated by the Fund at its forty-third session, the Board notes that:

(a) Immediate, long-term and adequate assistance is essential for the redress and rehabilitation of victims of torture, and especially of child and adolescent victims of torture;

(b) Torture affects the individual, family, community and society, and its dehumanizing effects transcend generations;

(c) Breaking the silence of trauma at the individual and societal levels is paramount for the prevention of intergenerational transmission of trauma;

(d) Redress and full rehabilitation of victims require a multi-disciplinary approach and coordination among all relevant actors that incorporates, whenever possible, creative and appropriate legal solutions, including by paying particular attention to the rights and needs of children and adolescents;

(e) Rehabilitation and redress are heavily context-based and culturally embedded and require the elaboration and the implementation of flexible and adaptable approaches and models;

(f) Expert clinical language on rehabilitation needs to be translated into policy, and the findings arising from the vast knowledge of child practitioners need to be used to advance jurisprudence at the national and international levels.

44. As recalled by the Secretary-General in his statement of 26 June 2016, the Fund is a lifeline of last resort when States neglect their obligation to prevent torture and fail to provide torture victims with effective and prompt redress, compensation and appropriate forms of rehabilitation.

45. Marking its thirty-fifth year of operation, the Fund and the centres it sponsors in all regions of the world are also a repository of knowledge in the field of redress and rehabilitation of victims of torture. The Fund convenes yearly expert workshops aimed at sharing knowledge and best practices.

46. The Board estimates that the Fund would need to receive $12 million on a yearly basis in order to respond adequately to the ever-increasing demands for assistance, in particular in the face of today's large-scale human rights crises and conflicts.

47. The Secretary-General appeals to Member States and other stakeholders to contribute to the Fund, and stresses that contributing to the Fund is a concrete manifestation of the commitment of States towards the elimination of torture, in line with the Convention against Torture, in particular article 14 thereof.

Annex

List of participants in the two-day expert workshop on redress and rehabilitation of children and adolescent victims of torture and the intergeneration of trauma, held on 6 and 7 April 2016

Board of Trustees of the Voluntary Fund

Gaby Oré Aguilar (Chairperson)

Mikolaj Pietzrak

Maria Cristina Nunes de Mendonça

Anastasia Pinto

Morad el-Shazly

Invited experts

Jorge Barudy, Director, EXIL, Spain

Anette Carnemalm, Head of the Treatment Center for Persons Affected by War and Torture in Malmö, Swedish Red Cross, Sweden

Gaëlle Carayon, Post-Conflict Policy Advisor, REDRESS, United Kingdom of Great Britain and Northern Ireland

Sophia Combrink, Clinical Manager, Centre for the Study of Reconciliation and Violence (CSVR), South Africa

Maricela Escamilla, Psychologist, Ciudadanos en Apoyo a los Derechos Humanos (CADHAC), Mexico

Sana Hamzeh, Psychotherapist, Restart Center for Rehabilitation of Victims of Violence and Torture (RESTART), Lebanon

Maria Książak, Coordinator, International Humanitarian Initiative Foundation, Poland

Piya Muqit, Executive Director, Justice Centre Hong Kong

Dieynaba Ndoye, Coordinator, Centre Africain pour la Prévention et la Résolution des Conflits (CAPREC), Senegal

Paul Orieny, Clinical Advisor for Mental Health, The Center for Victims of Torture (CVT), United States of America

Berenise Quattoni, Clinical Psychologist, Association Mana, France

Diego Rodríguez Mendieta, Clinical Director, Heartland Alliance International, Colombia

Ann Salter, Psychotherapist, Freedom from Torture, United Kingdom of Great Britain and Northern Ireland

Susannah Sirkin, Director of International Policy and Partnerships/Senior Advisor, Physicians for Human Rights, United States of America

Areeje Semreen, Clinical Psychologist, Institute for Family Health (IFH), Noor Al Hussein Foundation, Jordan

Lela Tsiskarishvili, Executive Director, Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT), Georgia

Maudi Tzay Patal, Facilitator, Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP), Guatemala

Other participants

Alessio Bruni, Vice-Chairperson, Committee against Torture

Benyam Dawit Mezmur, Chairperson, Committee on the Rights of the Child

Martin Babu Mwesigwa, Rapporteur, Committee on the Rights of Persons with Disabilities

Suzanne Jabbour, Vice-Chairperson, Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

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Seventy-first session
Item 67 (b) of the provisional agenda*
Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Programme of activities for the implementation of the International Decade for People of African Descent

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 69/16. The report is focused on the steps taken by all major stakeholders, including Member States, entities of the United Nations system, national human rights institutions, equality bodies and civil society, in support of the programme of activities for the implementation of the International Decade for People of African Descent (2015-2024). The report also provides recommendations for action by Member States and all stakeholders to further the goals of the Decade.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 69/16. It presents the challenges faced by people of African descent and key initiatives undertaken by all stakeholders. On 21 April 2016, the Office of the United Nations High Commissioner for Human Rights (OHCHR) circulated a note verbale requesting input from States, human rights bodies, mechanisms and specialized agencies of the United Nations system, regional organizations, national human rights institutions, equality bodies and civil society organizations, including organizations of people of African descent. The report is based on the information and views provided.

2. The International Decade for People of African Descent (1 January 2015 to 31 December 2024) was proclaimed by the General Assembly in its resolution 68/237, with the theme "People of African descent: recognition, justice and development". By its resolution 69/16, the Assembly adopted a programme of activities for the implementation of the Decade, and appointed the United Nations High Commissioner for Human Rights to act as coordinator of the Decade.

3. As at 30 June 2016, information for the report had been received from the Governments of Argentina, Chile, Colombia, Costa Rica, Cuba, Ecuador, Greece, Kazakhstan, Italy, Lithuania, Mexico, Netherlands, Peru, Serbia, Sweden and Uruguay and from the Equality and Human Rights Commission of the United Kingdom of Great Britain and Northern Ireland, the European Commission against Racism and Intolerance, the National Human Rights Commission of India, the National Human Rights Commission of Mexico, the National Institute against Discrimination of Argentina, the Netherlands Institute of Human Rights, the Office of the Commissioner for Human Rights of Poland, the Office of the Ombudsman of Colombia, the Office of the Ombudsman of Costa Rica, the Office of the Ombudsman of Ecuador, the Office of the Ombudsman of the Plurinational State of Bolivia, the OHCHR regional office in Chile, the OHCHR regional office in Panama, the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur of the Human Rights Council on minority issues, the United Nations country team for Brazil, the Department of Public Information and the United Nations Educational, Scientific and Cultural Organization (UNESCO). A number of civil society organizations, including Agrupación Xango, Cercle de Recherche sur les Droits et les Devoirs de la Personne Humaine and Mundo Afro, also provided inputs.

4. The responses reveal that concrete measures are being taken to improve the human rights situation of people of African descent in a number of countries worldwide, and it is hoped that these measures will serve as inspiration for other countries. The absence of information on countries or regions other than those mentioned in the report should not be interpreted as an indication that people of African descent do not face human rights challenges in those countries or regions, but rather that the report reflects only the scope of the submissions received to date.

II. Concrete measures, including good practices

5. A variety of stakeholders, including Member States, United Nations agencies, national human rights institutions, equality bodies and civil society, have taken steps to implement the programme of activities for the implementation of the Decade. Efforts from Member States include legislative measures, national action plans, public policies including affirmative action policies, the establishment of monitoring and complaint mechanisms and data collection and awareness-raising about the principles of equality and non-discrimination and the rights of people of African descent.

A. Legislative measures

6. Several countries reported that they have adopted new laws to promote equality and prohibit racial discrimination, or have recognized the rights of people of African descent in their constitutions.

7. Bolivia (Plurinational State of), Chile, Ecuador, Greece, Kazakhstan, Lithuania and Serbia reported that discrimination on the grounds of race has been declared punishable by law. The Federal Criminal Code of Mexico includes the grounds related to racial discrimination laid down in the International Convention on the Elimination of All Forms of Racial Discrimination as elements of a criminal offence of discrimination. Argentina adopted a "law against discriminatory acts", which lays the foundation for combating different manifestations of discrimination, and Chile has adopted the "Zamudio law" establishing a judicial mechanism to deal with acts of discrimination as criminal offences. In Greece and Lithuania, acts of racism, discrimination or intolerance are considered as an aggravating circumstance at the sentencing stage in a criminal trial. Greece also amended its legislation to state that non-European Union nationals who are victims of racist acts will be granted residence permits on humanitarian grounds.

8. Uruguay has adopted a law on affirmative action policies to ensure equal access to higher education and to the public labour market, stipulating a quota of at least 8 per cent for people of African descent. The Congress of Deputies of Spain has approved a law on the memory of slavery, with the recognition and support of black communities, African people and people of African descent in Spain.

B. National action plans and other policies

9. Argentina, Costa Rica, Mexico, Peru and Uruguay have adopted national action plans specifically aimed at the promotion of the rights of people of African descent. Sweden reported that it is in the process of drafting a national plan against racism and hate crimes, including those motivated by Afrophobia, and Argentina, Costa Rica, Honduras, Italy, Lithuania, Mexico and Serbia reported the adoption of national plans against discrimination.

10. Portugal has adopted measures to promote the integration of migrants, many of whom are reported to be people of African descent, into Portuguese society. Portugal has also adopted a Strategic Plan for Migration (2015-2020), established national immigrant support centres to assist the integration of migrants and launched intercultural mediation services to assist migrants in dealing with public

services. Kazakhstan has adopted a policy entitled "Doctrine of National Unity" to strengthen mutual respect among different ethnicities in the country.

11. The National Assembly of Ecuador has launched round-table discussions on the Decade and promoted meetings between the Government and civil society on the social development of Afro-Ecuadorians. In order to close inequality gaps, Peru approved a guidance note on the implementation of public policies benefiting Afro-Peruvians. Italy reported that its foreign policy supports investment in African countries. This support was renewed in May 2016 at the first Italy-Africa ministerial conference aimed at establishing the basis for equal and sustainable partnerships with Africa, at which the issue of African "ownership" was viewed from the perspective of economic and environmental sustainability. Also within the reporting period, Argentina entered into an agreement with the faculty of medicine of the University of Buenos Aires to address public policies that confront health issues relating to the Afro-descendent community.

12. With the objective of addressing broad themes of discrimination suffered by all, the Netherlands reported that its anti-discrimination policy shifted from a specific ethnicity-oriented policy to a problem-oriented policy, encompassing all forms of discrimination. The Netherlands also adopted an action plan to tackle prevailing discrimination in the labour market. The Ombudsman's Office of Colombia reported that it is seeking to highlight historical and aggravated forms of discrimination faced by people of African descent.

C. Monitoring bodies and complaint mechanisms

13. Portugal launched the national Commission for Equality and Against Racial Discrimination as a platform for providing legal information to address discriminatory treatment. In collaboration with the High Commission for Migration, the Commission also monitors possible racist content in the media and promotes a healthy multi-ethnic platform. It further promotes equality and human rights in schools, with a special focus on sports. The Ombudsman's Office of Costa Rica reported that its mandate includes receiving complaints relating to racial discrimination. In an opinion submitted to the Minister of Education relating to students of African descent wearing dreadlocks at centres of education, the Ombudsman stated that, while internal regulations are important elements of socialization, rules regulating the wearing of dreadlocks impede the manifestation of the cultural identity and the right to education of students of African descent. The National Council for the Prevention of Discrimination of Mexico reported that it is also empowered to receive complaints of alleged discriminatory acts. In 2015, 14 complaints relating to discrimination were received, of which 11 were on the grounds of racial and ethnic origin or skin colour.

14. Within the framework of the peace process in Colombia, the Ombudsman's Office reported that it provides advice on the registration of legal cases to Afro-Colombians who suffered during the armed conflict. It also works with Afro-Colombians to ensure their effective participation in the projects undertaken in Afro-Colombian territories, and to help ensure that those projects respect their human rights. The interventions of the Ombudsman's Office include environmental, housing, education, health, electricity, road, infrastructure and communications projects. Greece reported that, in addition to the work carried out to address racism

by the Ministry of Justice, Transparency and Human Rights and the Public Prosecutor for the persecution of acts of racist violence, five special prosecutors have been appointed to investigate racist crimes. The Office of the Inspector of Journalist Ethics of Lithuania reported that it monitors the media for racist or xenophobic content. The Netherlands has established an Internet discrimination hotline for victims of racist and xenophobic crimes.

15. The Plurinational State of Bolivia has created the National Council of Afro-Bolivians, which addresses the needs and concerns of this population group. Similarly, Panama has established a National Commission against Discrimination, which is currently considering the establishment of a national secretariat for the development of Afro-Panamanians. Costa Rica reported that the Office of the Presidential Commissioner for Matters Relating to Persons of African Descent is a permanent institutional platform responsible for coordinating action aimed at people of African descent. Greece established a National Board against Racism and Intolerance, which works with the Greek Ombudsman, the Office of the United Nations High Commissioner for Refugees and non-governmental organizations to develop a national anti-racist strategy. The Commission for Equality and Against Racial Discrimination of Portugal highlighted a tool on its website called "Racism on the Internet", which citizens may use to file a complaint of racial discrimination. This complaint leads to immediate action by the Commission.

D. Awareness-raising and education

16. Argentina has launched a "national visibility campaign on the Afro-descendent population" to increase public awareness of the contributions of Afro-Argentines through the media, in particular through the production and distribution of a documentary entitled "Argentina is also Afro". Mexico has launched a nation-wide "I'm Afro! I acknowledge and it matters" campaign to encourage self-identification among people of African descent. In its efforts to integrate migrants, Portugal, through its High Commission for Migration, has launched an Internet campaign, "Discover your colour!", to promote racial awareness and counter racial discrimination. The Equality Ombudsman in Sweden has introduced awareness-raising measures to fight negative attitudes towards people from Africa or of African descent.

17. Argentina, Cuba, Lithuania, Mexico and Uruguay have all developed school curricula and revised textbooks to promote knowledge about African history, culture and heritage, including information aimed at increasing knowledge about important individuals of African descent and historical events linked to racism and racial discrimination. Kazakhstan reported that, in January 2016, it ratified the UNESCO Convention against Discrimination in Education and that primary education is compulsory, available and free in Kazakhstan.

18. UNESCO promotes global citizenship education to build peaceful, tolerant, inclusive and sustainable societies through education. UNESCO has also developed pedagogical content on the basis of the General History of Africa (including curriculum outlines, teachers' guides, textbooks, films, radio programmes and illustrated books) for different levels of education with a view to remedying the general ignorance of African history. All States members of the African Union have committed themselves to integrating this content into their national curricula. UNESCO reported that it is elaborating an additional volume of the General History

of Africa in order to address the new challenges faced by Africa and the African diaspora. Finally, UNESCO has worked on the creation of an international coalition of artists for the General History of Africa to carry the messages to youth and the general public.

19. Cuba included the issue of discrimination on the agenda of the fourteenth International Pedagogy Congress, held in 2015 in Havana. Cuba has also created television programmes, including, in an ongoing collaboration between its National Committee and UNESCO, The Slave Route: Resistance, Freedom and Heritage project, which aims to increase knowledge of the transatlantic slave trade and the contributions made by Afro-Cubans to the country through the medium of television drama. In 2016, the Government also hosted the Havana International Book Fair, featuring books on African heritage, abolitionist struggles and updated publications about the ethno-racial problem in the country. Cuba has also supported the "Rumba Route" project, promoting the dance and musical expressions of Afro-Cubans, which was proclaimed as part of the cultural heritage of the nation.

20. At Lithuania's annual international human rights documentary film festival, entitled "Inconvenient Films", movies raising awareness about the human rights violations faced by people of African descent received awards. The Ombudsman's Office of Ecuador published and broadcast animated stories promoting equality and combating myth and stigma affecting Afro-Ecuadorians.

21. The Netherlands reported that museums play an important role in spreading knowledge of the history of people of African descent. For example, the National Museum of World Cultures focuses on different aspects of the history and culture of Africa. The Rijksmuseum and the Maritime Museum both address the subject of slavery and the colonial past of the country, and the Zeeland Archives and the National Archives have organized exhibitions and prepared teaching materials on this topic. Similarly, the National Commission on Human Rights of Mexico, together with the National Institute of Anthropology and History, have produced a travelling photo exhibition portraying the cultural richness and contribution of Afro-Mexicans, which toured the States of Guanajuato, Queretaro and San Luis Potosi.

22. In July 2015, the National Commission of Human Rights of Mexico organized an international forum on "Racial discrimination and Afro-descendants in Mexico". The main objective of the meeting was: to raise awareness about the international and national framework to combat and prevent racial discrimination; to promote pride in people's self-identification as Afro-descendent; to raise awareness about the importance of data collection and statistics; to raise awareness of the issue within public institutions and promote collaboration between them; to recognize the important contribution of Afro-descendants to the economic and cultural development of Mexico; and to raise awareness about the Decade. The Commission also supported a course on women of Afro-Mexican descent, sponsored by the Autonomous University Benito Juarez, aimed at promoting identity and cultural strengthening of the Afro-Mexicans through education. The course covered topics such as identity, history, planning and statistics.

23. Afro-Peruvian Culture Month was celebrated in June by several permanent missions in different regions. The Plurinational State of Bolivia organized an annual congress on the human rights of Afro-Bolivians with the participation of civil society, the Ombudsman's Office and OHCHR.

24. In June 2015, Spain hosted the AfroMadrid World Conference, a global activity bringing together representatives of civil society to discuss the Decade. The meeting was organized by Afro-descendent civil society organizations and supported by the Government of Spain and OHCHR.

25. OHCHR also supported the organization of the General Assembly of the Ibero-American Network of Agencies and Organizations against Discrimination in Guatemala, which helped to raise awareness about the Decade. Representatives of 14 countries of the region participated in the meeting, including vice-ministers, national ombudsmen and representatives of civil society and academia.

26. In December 2015, OHCHR organized, and the Government of Brazil hosted, the regional meeting for Latin America and the Caribbean on the Decade. Member States, civil society representatives, national human rights institutions and academics from about 30 countries of the region participated in the meeting, together with several United Nations agencies, including the United Nations Children's Fund (UNICEF) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), as well as regional organizations, such as the Organization of American States. Approximately 250 people attended the meeting, which was organized around the theme of the Decade: "Recognition, justice and development". In the outcome document of the meeting, delegates agreed to a number of important conclusions, including the following:

(a) To reaffirm support for the creation of the forum on people of African descent within the framework of the Human Rights Council, in accordance with paragraph 29 (i) of the annex to resolution 69/16, and also to reaffirm that the mandate of the forum will be to act as a consultation mechanism for all people of African descent and an advisory body to the Human Rights Council about the difficulties and needs of people of African descent;

(b) To support, in particular, the drafting of a United Nations declaration on the promotion of and full respect for the human rights of people of African descent, stressing the importance of starting the drafting of the declaration as soon as possible, and to offer substantive contributions to the drafting process;

(c) To adopt affirmative action to reduce and remedy disparities and inequalities and accelerate social inclusion, and to close gaps in access to education and employment resulting from historical and current injustices, in accordance with the particular situation of each country;

(d) To promote and implement measures to combat and punish the practice of racial profiling and promote training and awareness-raising programmes for the police and judicial officers in the identification, investigation and punishment of that practice.

27. OHCHR continued to advocate non-discrimination in sports, for example by cooperating with relevant stakeholders to make non-discrimination an integral part of the 2018 Fédération internationale de football association (FIFA) World Cup. Furthermore, OHCHR underlined the important contributions made by athletes of African descent, both women and men, to the field of non-discrimination. To raise awareness of the Decade, in June 2016, OHCHR participated in the Summer Sevens Rugby Tournament, organized with the City and Canton of Geneva. The logo of the Decade was included in the promotional campaigns through social media, posters and banners and publicity screened on board buses in Geneva.

28. In January 2016, the Department of Public Information, in collaboration with OHCHR, produced an exhibition featuring information on the objectives of the Decade, along with photos of people of African descent. The exhibition, which was held at United Nations Headquarters in New York, is scheduled to be shown at the United Nations Office at Geneva in September 2016. A brochure on the Decade was distributed at the exhibition and at subsequent events. In addition, the Department of Public Information and OHCHR produced a booklet in all six official United Nations languages, plus Portuguese, providing an overview of the Decade and the main challenges faced by people of African descent. The booklet was made available through different communications platforms and was widely distributed, including through the network of United Nations information centres.

29. Special events were co-sponsored by the United Nations with Member States or civil society partners, including: a panel discussion, on 16 September 2015, entitled "Self-representation as a strategy to fight racism", organized by the Permanent Mission of Brazil and co-sponsored by the Department of Public Information, UNESCO and the Africa Centre; a panel discussion, held on 3 November 2015, on "Confronting the silence: perspectives and dialogue on structural racism against people of African descent worldwide", organized by OHCHR and co-sponsored by Amnesty International USA, Black Lives Matter, the Department of Public Information, the International Organization of la Francophonie, UNESCO and the Unitarian Universalist Association; a panel discussion, held on 29 April 2016, on "Women of African descent — at the intersection of race and gender", organized by OHCHR and co-sponsored by Black Women's Blueprint and the Department of Public Information, with the support of UN-Women. A briefing for non-governmental organizations accredited to the Department of Public Information, entitled "Combating racism in the 21st century", was held on 3 December 2015.

30. The news teams of the Department of Public Information have produced a steady stream of reports on people of African descent for the News Centre, in English and French, as well as radio programmes in all eight broadcast languages (the six official languages plus Kiswahili and Portuguese). Coverage included the following topics: the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade (25 March) as well as stories on the General Assembly's commemoration of the 200th anniversary of the end of slavery and the slave trade in November 2015; the need for the Paris Agreement under the United Nations Framework Convention on Climate Change to take into account the concerns of people of African descent; the comments of the United Nations High Commissioner for Human Rights on the acknowledgement by the United States authorities of police brutality against African-Americans; and the remarks against racism made by the Deputy Secretary-General of the United Nations.

31. United Nations Television also covered the panel discussions and special events related to the Decade, and produced a series of UNifeed packages for broadcasters. For the eighteenth session of the Working Group of Experts on People of African Descent (11-15 April 2016) United Nations Television recorded a video message and an interview with UNICEF Goodwill Ambassador Danny Glover.

32. The Department of Public Information, together with OHCHR, regularly updates the website for the International Decade for People of African Descent in the six official languages. The site is mobile-friendly and easily accessible. The Department and OHCHR both promote awareness about the website on their social

media platforms. Events promoted on social media included the launch of the meeting of the international coalition of artists promoting the UNESCO General History of Africa (October 2015), the regional meeting for Latin America and the Caribbean on people of African descent (December 2015), the African Diaspora International Film Festival (February 2016), the exhibition "Africans in India" (March 2016), and the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade (25 March 2016).

E. Strengthening capacity

33. In March and April 2016, the Ombudsman of Colombia organized workshops to raise awareness among municipal officials regarding the International Convention on the Elimination of All Forms of Racial Discrimination and the Decade. In 2015, the Observatory of Citizen Participation and Non-Discrimination of Chile began a training programme for civil servants on participation, non-discrimination and Afro-descendent issues. The Observatory certified the training of public officials and municipalities in all regions of the country, exceeding its target by training a total of 2,181 civil servants from 428 institutions. In Mexico, in 2015, National Cóuncil for the Prevention of Discrimination taught a course on Afro-Mexicans through its educational electronic platform, "Connect", which provided information on the racism and racial discrimination faced by Afro-Mexicans in both historical and current contexts. In 2015, the course was offered 14 times to a total of 1,555 people, including 956 government officials and 599 civil society representatives and members of the general public.

34. The Ministry of Culture and Heritage and the Ministry of Justice, Human Rights and Religions of Ecuador trained staff of the Ombudsman's Office on the collective rights of Afro-Ecuadorians. In Lithuania, police officers and prosecutors participated in training on hate crimes organized by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe. Greece trained its judges and public prosecutors, as well as its police, on these issues and developed guidelines for police on how to tackle racist crimes.

35. In Portugal, the Immigrant Entrepreneurship Programme, the Choices Programme and the New Citizens Initiative have assisted migrants in starting businesses, promoted social inclusion and assisted migrants and new Portuguese citizens in finding solutions to the challenges they face. The Immigrant Entrepreneurship Programme assisted 858 participants of African origin, and the Choices programme promoted social inclusion of children and youth from vulnerable socioeconomic contexts, particularly descendants of migrants. The programme, which is aimed at preventing children from dropping out of school and lowering school dropout rates by promoting non-formal education, vocational training, community participation, digital inclusion and empowerment, has reached a total of 6,682 children and young people, the majority from Cabo Verde (3,095), Guinea-Bissau (1,210) and Angola (1,166).

36. In 2015, Lithuania has elaborated a draft conceptual framework on global education, seeking, inter alia, to promote greater knowledge and recognition of and respect for the culture, history and heritage of people of African descent. The framework was submitted for public consultation and is expected to be finalized in 2016. In Sweden, the Living History Forum is implementing a major educational

project in the 2015-2017 period on various forms of racism and intolerance in history and at the present time, including Afrophobia. Uruguay has adopted affirmative action policies in vocational training courses and education, through quotas and scholarships, to promote equal access to education.

37. The Spanish Agency for International Development Cooperation, has supported a number of projects in Latin America and the Caribbean that aim to facilitate full access to development opportunities and participation for people of African descent. It has also supported activities that give visibility to Afro-descendent communities, with special emphasis on education; supported the empowerment and strengthening of Afro-descendent organizations; and promoted activities on fostering mutual understanding and respect for cultural identity and diversity.

38. At the international level, in 2015 the OHCHR annual fellowship for people of African descent ran from 5 March to 23 October 2015, with 11 fellows participating from Brazil, Canada, Colombia, Germany, Ireland, Paraguay, Peru, the Republic of Moldova and the United States of America. The programme was promoted more intensively, and thus a greater number of people had applied for the programme than in previous years.

39. At the request of the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala, OHCHR provided support for the design and development of an assessment of the situation of people of African descent in the country, which served as a baseline for the development of the strategic lines of a national plan of action for people of African descent. In addition, OHCHR provided substantive support for the elaboration of a national action plan for people of African descent in Mexico, and for the launch of the Decade in Brazil and Chile. OHCHR also participated in the launch of the Decade by the City of Berlin.

F. Research

40. With the aim of promoting the visibility of the culture and identity of Latin Americans of African descent, the Latin American Faculty of Social Sciences, the International Centre for the Promotion of Human Rights, and the National Institute to Combat Discrimination, Xenophobia and Racism of Argentina established a research fellowship competition, "Remedios del Valle". The competition, which promotes academic research on the influence of African culture and identity associated with African descent in Latin America and Ibero-America, was supported by the Ibero-American Network of Organizations against Discrimination.

41. In Mexico, the National Council for the Prevention of Discrimination published a book on collective rights and constitutional recognition of the Afro-Mexican population, which analysed the history and culture of that population through an exercise in comparative law between international human rights law and existing national practices. The book also identified good practices at the national level, particularly with regard to the collective rights of people of African descent. On the basis of this analysis, it advanced a series of proposals aimed at facilitating the constitutional recognition of people of African descent in Mexico.

42. UNESCO engaged in promoting a better understanding and recognition of the culture, history and heritage of people of African descent through research, education, media and inclusion in curricula — ensuring that pedagogical material

accurately reflects the historical facts about the slave trade, slavery and colonialism in order to prevent falsification and stereotypes. Similarly, UNESCO published a guide for the management of memory sites and itineraries related to the history of slavery. This guide helped local communities, authorities and heritage professionals to make an inventory and preserve, promote and manage more effectively the sites of memory related to the slave trade, slavery and the heritage of people of African descent. It also publicized interesting initiatives undertaken, mostly by people of African descent, to promote their heritage.

G. Data collection

43. Peru undertook research and data collection on the human rights situation of Afro-Peruvians. Indicators such as poverty, employment, health, education, manifestations of discrimination and cultural identity were collected and regularly updated in a database. A geo-ethnic map of the distribution of Afro-Peruvians in the country was also prepared. The objective of the research was to encourage an academic debate and to generate more information and a better understanding of the challenges faced by Afro-Peruvians in order to design and implement appropriate public policies. Similarly, in order to provide effective solutions to meet the needs of Afro-Colombians, the Ombudsman of Colombia conducted a study to obtain information on the human rights situation, the impact of the armed conflict and the effects of the activities of the extractive industries on the Afro-Colombian population.

44. In Mexico, an intercensal survey conducted by the National Institute of Statistics and Geography incorporated, for the first time, a question aimed at identifying and counting persons and communities of African descent. The survey aimed to generate better statistics regarding the number, as well as the economic, educational, health and employment status, of people who self-identify as Afro-Mexicans.

45. In order to promote the advancement of groups facing discrimination, the Netherlands collected data on first- or second-generation immigrants and on whether they were of Western or non-Western origin. Without this information, no sound conclusions can be drawn about their degree of integration or appropriate policy solutions. In addition, the data offer an insight into areas where a generic policy is failing and indicate whether a specific policy response is required. The Netherlands reported that the privacy of the individual and the security of this information were protected under the laws on municipal databases and personal data protection. Furthermore, the periodic survey of the integration of migrants conducted by the Netherlands Institute for Social Research contained self-identification questions and questions on perceived discrimination.

46. In Sweden, the National Council for Crime Prevention annually publishes hate crime statistics, which largely concern reports to the police of incidents with identified hate crime motives. Given that not all crimes are reported to the police, and that the motive for the crime is not always evident in the police report, it was noted that the statistics do not reflect the full extent of hate crimes in Sweden. Of the police reports recorded in 2014, an estimated 1,075 were identified as having an Afrophobic motive. This is an increase of 10 per cent compared with 2013, and an increase of 31 per cent compared with 2010.

47. Italy reported that it regularly maintains a body of data regarding the presence of foreigners in the country. In 2015, it reported that it is one of the main countries

of immigration in Europe, with 5,014,000 foreign residents at the end of 2014. It also reported that cases of ethnic and racial discrimination persist. In 2014, of a total of 990 complaints received relating to racial discrimination, 291 were due to discrimination in the mass media.

48. In Serbia, according to the population census of 2011, there were fewer than 300 people in the country who could be assumed to be of African descent.

49. The Portugal Observatory for Migration also analysed data on migration. The Observatory published its first report on migrant indicators of integration for the period 2001-2012.

H. Other measures

50. In addition to the above-mentioned measures, countries have also adopted innovative and alternative approaches to promote the rights of people of African descent. In Serbia, in order to promote mutual understanding, the Government launched a public competition to recognize research focused on culture and cultural heritage of different minorities living in the country, including people of African descent.

51. The Swedish Agency for Youth and Civil Society distributed government grants to non-governmental organizations and foundations under the Ordinance on State Grants for Activities against Racism and Similar Forms of Intolerance. This funding is designed to support activities that prevent and combat racism and intolerance, including Islamophobia, Afrophobia, anti-Semitism, anti-Roma sentiment and homophobia. Funding was also granted by the Government for the production of an overview on the extent of Afrophobia in Sweden.

52. Lithuania has provided financing to the Institute for Ethnic Studies to ensure that long-term research is conducted and annual public opinion polls undertaken to analyse the attitudes of Lithuanian residents towards different ethnic and social groups. This data is used to assess racism, racial discrimination, xenophobia and related intolerance for the Inter-Institutional Action Plan to Promote Non-Discrimination. In 2015, 18 per cent of respondents stated they would not live in a neighbourhood made up of people of African descent and 50 per cent said they would not live in a neighbourhood made up of refugees.

53. Kazakhstan contributed to the construction of the Ark of Return, the Permanent Memorial to Honour the Victims of Slavery and the Transatlantic Slave Trade unveiled at United Nations Headquarters in March 2015.

III. Challenges

54. Civil society organizations reported that they had witnessed a worrying resurgence of racism and xenophobia against many groups, including people of African descent, over the previous year. This resurgence has attained new and alarming heights in the context of forced migration. Xenophobic discourses have been trivialized and used by some political parties. The Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance[1] noted that, in this context, widespread forms of

[1] See A/HRC/32/49.

overt physical violence, hate speech and intentional, implicit and structural discrimination rooted in xenophobia are being witnessed.

55. In its 2015 annual report,[2] the European Commission against Racism and Intolerance emphasized the fact that racial discrimination and racist attacks against black persons continue to be a problem across Europe. It also noted that, as a part of the Decade, some countries have now placed greater emphasis on preventing and combating anti-black racism.

56. The Special Rapporteur of the Human Rights Council on minority issues[3] reported that people of African descent, like other minorities, disproportionately face negative treatment and human rights violations in the administration of justice, including in the criminal justice system. The Special Rapporteur was of the view that people of African descent are also disproportionately targeted by the police, not only with respect to identity checks, but also in relation to the use of force. This discriminatory treatment manifests itself at pretrial detention, trial and sentencing stages. She also reported that racial profiling continues as a widespread practice carried out by law enforcement personnel against people of African descent, and has been highlighted as a serious human rights concern. Moreover, the Special Rapporteur noted that the lack of statistics and qualitative and quantitative studies are issues that have yet to be addressed.

57. Civil society organizations reported that people of African descent suffer considerable social and economic inequalities, are disproportionately concentrated in the poorest areas and are acutely unsafe owing to their greater exposure to crime and violence. In key areas such as education, employment and housing, people of African descent remain at the bottom of the socioeconomic ladder. The National Institute against Discrimination, Xenophobia and Racism also highlighted the fact that, in Argentina, people of African descent suffer discrimination in terms of health care. Certain diseases that are more common in the black community, including hypertension, diabetes, sickle cell anaemia, respiratory problems and allergies, are not adequately prevented or addressed. The lack of visibility of people of African descent as a group, specifically in the area of political participation at the highest levels, continues to be a concern.

58. The Ombudsman of the Plurinational State of Bolivia conducted a study concluding that the genuine exercise of human rights by people of African descent can only be realized through a legal framework, based on the understanding that their participation and inclusion will benefit both themselves and society by significantly contributing to the strengthening of democracy. In addition, the study acknowledged the difficult situation faced by this population, the close relationship between poverty, skin colour and discrimination, and the enormous obstacles this group faces in the exercise of its human rights and fundamental freedoms. The study found that Afro-Bolivians have systematically suffered human rights violations, as have the indigenous peoples, beginning from the colonial period and continuing to date. The situation of Afro-Bolivian women is more serious than that of Afro-Bolivian men, as they are subject to multiple forms of discrimination based on sex, skin colour, socioeconomic status and poverty. The study concluded that, despite their lack of visibility and the continuous violations of their human rights, neither their ill-treatment nor their suffering has destroyed the ancestral heritage of Afro-Bolivians:

[2] www.coe.int/t/dghl/monitoring/ecri/activities/Annual_Reports/Annual%20report%202015.pdf.

[3] See A/70/212 and A/HRC/31/72.

indeed, they have strengthened their culture, through music, dance, art, gastronomy and other forms of cultural expression, as important tools for recreation and resistance. This fact was forcefully demonstrated in the 1988 political action where "La Saya", a dance of African origin, was used to convey the political demands of the Afro-descendent community.

59. Civil society organizations reported that the recently adopted policies of equality in Argentina are not supplemented by real action to eradicate racism affecting people of African descent. According to the National Map of Discrimination prepared by the National Institute against Discrimination, Xenophobia and Racism, 57 out of 100 respondents think people of African descent are being discriminated against. This type of discrimination is mainly experienced in public institutions, particularly in schools. People of African descent may also experience discrimination in relation to their religion. The civil society organization Agrupación Xango condemned the increasing racism and institutional violence against people of African descent, who are victims of discrimination in the streets. According to the organization's report, in recent months there has been an increase in police violence and harassment affecting Afro-Argentines and migrants, especially Senegalese people who work in peddling.

60. The United Nations country team in Brazil reported that, despite being the majority, people of African descent in Brazil are in the lower social strata and show the lowest development rates in the country. For instance, they make up 70 per cent of the poorest people in the country, and less than 10 per cent of the richest. White men earn on average 300 per cent more than black women. The unemployment rates among black women are twice as high as among white men (12 per cent versus 5 per cent). Over 60 per cent of women domestic workers are of African descent. While violent deaths have decreased by 10 per cent among white men in recent years, they have increased by 54 per cent among black women. Young black men are also disproportionally the victim of violent deaths, including killings by the police.

61. In 2015, the Special Rapporteur of the Human Rights Council on minority issues reported[4] that, owing to historically rooted patterns of discrimination as well as ongoing structural discrimination, Afro-Brazilians remain severely marginalized. She also noted the low levels of political participation by Afro-Brazilians, despite the existence of large-scale quota systems. Furthermore, she also stated that violence in Brazilian society has a clear racial dimension. For example, of the 56,000 homicides that occur each year, 30,000 victims are between 15 and 29 years of age, of whom 77 per cent are male Afro-Brazilians. The Special Rapporteur raised further concerns about the incarceration of Afro-Brazilians, as it is estimated that 75 per cent of the Brazilian prison population is Afro-Brazilian.

62. According to civil society organizations, today, despite Colombia's efforts, owing to a lack of funding and political will, the rights of indigenous peoples and Afro-Colombians to collective property, effective participation and autonomy remain only partially fulfilled, 25 years after the constitutional recognition of those rights. Although indigenous and Afro-Colombian lives, territories and cultures have been disproportionately affected by the internal armed conflict, the parties have yet to engage in proper dialogue with those populations.

63. With regard to Central America, civil society organizations and the OHCHR regional office for Central America noted that, in addition to its constitutional and

[4] See A/HRC/27/68/Add.1.

legal frameworks, the subregion should strengthen its institutions and develop and implement effective public policies to tackle the structural discrimination faced by people of African descent. The regional office and civil society organizations further noted that the recent and promising developments in countries such as Honduras and Panama must be matched by the necessary human and financial resources if a real improvement in the situation of people of African descent is to be achieved. Central American countries have recognized in their constitutions and laws the rights of people of African descent in different fields, including religious freedom (Costa Rica and Nicaragua) and collective land rights (Honduras and Nicaragua). However, people of African descent continue to experience disproportionate levels of poverty, social exclusion and severe discrimination at all levels.

64. The Office of the Ombudsman of Costa Rica expressed concern that the country lacks an adequate legal framework to ensure appropriate mechanisms to combat direct and indirect discrimination. This not only precludes the adoption of affirmative action policies or similar measures to overcome structural discrimination, but also means that those committing discriminatory acts are not penalized. While the Office of the Ombudsman acknowledged that the Costa Rican Government has established some measures to combat racial discrimination and xenophobia, it also recognized that there is little coordination between existing national bodies and that implementation of public policies is slow. As a result, it has limited impact on the well-being of Costa Ricans of African descent.

65. In Chile, civil society reported persistent and widespread discrimination, particularly in schools, the workplace, sports and the media. Migrants of African descent were perceived as a threat to the employment opportunities of nationals. People of African descent showed higher rates of incarceration owing, in part, to racial profiling. Chileans of African descent were not recognized by the laws or public policies as a distinct group, and are not distinguished in national statistics.

66. The OHCHR regional office for South America reported that on 16 April 2016, the coast of Ecuador was hit by an earthquake measuring 7.8 on the Richter scale, which caused a humanitarian disaster with the significant loss of lives and infrastructure. The affected provinces of Esmeraldas, Manabi and Guayas have a significant population of Afro-Ecuadorians. This placed additional pressure and expectations on the Government to provide rapid and effective humanitarian assistance and reconstruction. Some of the challenges included: ensuring effective inter-institutional coordination; maintaining social structures and capital; guaranteeing the right to education, food, water and other basic rights; establishing and maintaining temporary camps; and arranging for relocation of those left homeless. Overall, the aftermath of the earthquake led to the exacerbation of pre-existing discrimination against Afro-Ecuadorians, who already had limited access to quality public services.

67. The National Commission on Human Rights of Mexico reported that Afro-Mexicans face high levels of social and economic marginalization, a product of historical practices of racism and racial discrimination. Historically, the visibility of the Afro-Mexican population has been low, and ignorance about their important contributions to the country, both in the past and today, is still widely prevalent, perpetuating the misconception that all people of African descent are foreigners.

68. In Peru, civil society organizations and the OHCHR regional office for South America observed that racial discrimination and racist speech acts against indigenous peoples and Afro-Peruvians continued to be prevalent in sports,

television, newspapers and social networks. Despite the recognition and criminalization of discrimination against Afro-Peruvians by the Government, only one judicial sentence has been handed down on the issue. The Office of the Ombudsman of Peru recognized the historical and structural discrimination that Afro-Peruvians have endured over centuries, and still endure.

69. Civil society organizations reported that 73.6 per cent of Afro-Uruguayans live in the poorest areas of the country; only 22 per cent of Afro-Uruguayans between 18 and 24 years of age are in the education system, of whom only 1 per cent advance to study at the university level. The huge gap faced by many Afro-Uruguayans applied not only to the areas of education or work, but also to representative and political participation in decision-making bodies. According to research undertaken by the University Observatory of Cultural Policies, more than half the population of Uruguay agreed with a statement asserting that Uruguayans were racist.

70. After its visit to the United States of America (19-29 January 2016), the Working Group of Experts on People of African Descent[5] reported on the alarming levels of police brutality, excessive use of lethal force by law enforcement officials, racial bias and disparities in the criminal justice system, mass incarcerations and tough-on-crime policies that have had a disproportionate impact on African Americans. The Group further stated that there is a persistent gap in almost all the human development indicators between African Americans and the rest of the population.

71. The Working Group also reported, after its visit to Italy (1-5 June 2016),[6] on the difference between the official discourse and the existing legal framework for the elimination of racial discrimination, xenophobia and hate speech in the country. In particular, the Group expressed grave concern regarding racially motivated crimes, hate speech and the incitement to hatred, and the failure to prosecute and provide adequate remedies. It was observed that there continues to be discrimination in the form of access to health care, housing and employment. The Working Group also noted the lack of knowledge about the history of the Italian slave trade, the colonial past and the cultures of Africa.

72. The Office of the Commissioner for Human Rights of Poland reported that there has been a dramatic increase in the number of hate crimes with racial, national ethnic or religious motives, with the victims being foreigners or Polish citizens of various ethnic backgrounds. The Office of the Commissioner further noted that the case records system does not include information on citizenship, nationality or ethnic origin of the complainant. In recent months, the Office of the Commissioner expressed its serious concern about the growing negative attitudes within Polish society, sometimes even hostility and xenophobia, manifested in public incitement to hatred and in physical, often brutal, assaults. Many of these cases gained the attention of law enforcement agencies as hate crimes. At the same time, the Office of the Commissioner noted that the statistics kept by the General Prosecutor's Office also recorded an increase in the number of proceedings related to racial crimes.

73. The Netherlands Institute of Human Rights reported on racial discrimination at the workplace faced by people of Surinamese and Antillean origins. The Institute observed that young Antillean men suffer discrimination in the labour market and

[5] See A/HRC/33/61/Add.2.

[6] See A/HRC/33/61/Add.1.

negative stereotypes in the workplace and have higher unemployment rates. The Institute reported that, despite the Government's promotion of equality in access to education, de facto "ethnic segregation" exists in the Netherlands public school system. The Institute also reported on hate speech targeting people of African descent in the context of the heated debate about the mythical Christmas figures of "Sinterklaas" and "Zwarte Piet" and the specific measures taken by the Government to deal with the issue. The Institute concluded that there has been an increase in hate speech targeting people of African descent, including politicians and football players, in the Netherlands, and that social media play an important role in spreading anonymous racist statements.

74. The Equality and Human Rights Commission of the United Kingdom highlighted its work relating to ethnic minorities, including people of African descent, in England and Wales. In particular, the Commission noted its work on the disproportionate impact of the practice of stop and search; media reporting and stereotyping; employment gaps related to ethnicity, including unemployment rates and concentration of people of African descent in insecure and low-paid jobs; relative educational attainment of ethnic minority children; disproportionate rates of school exclusion among ethnic minority children; prejudice-based bullying in schools; representation in the criminal justice system; and representation in the broadcasting sector. The Commission also reported on the criminal justice statistics on prosecution and sentencing of ethnic minority groups.

75. The National Human Rights Commission of India reported that it closely monitors incidents of alleged discrimination or other wrongdoing against people of African descent in India. It noted that a large percentage of people of African descent living in India are university students. The Commission further reported that it takes cognizance of incidents of alleged discrimination against people of African descent, and that some of them are pending with the Commission.

IV. Conclusions and recommendations

76. The second year of the International Decade for People of African Descent has brought promising and positive results, with the promotion of greater knowledge and recognition of the contribution to society made by people of African descent. Some States have established national legislative frameworks and developed national policies and mechanisms for people of African descent. However, there has been a resurgence and legitimatization of racism and xenophobia in public discourse in the media and, in some cases, by politicians. This represents a major threat, not only to the rights of victims, but also to the rule of law, democracy, social cohesion and peace for society in general. In line with the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action and the programme of activities for the International Decade, States should continue to revise their legislation and adopt public policies to address the needs of people of African descent and other groups facing racial discrimination, and redouble their efforts, in the following areas in particular:

(a) A stronger manifestation of political will is required to combat racism, racial discrimination and xenophobia, based on the awareness of the resurgence of racism and its serious threat. Politicians and political parties should provide

leadership in the fight against racism and xenophobia and promote solidarity, respect and recognition of groups facing discrimination, including people of African descent, as full members of society;

(b) People of African descent currently face a grave problem of social exclusion and invisibility. Achieving racial equality may also require Member States to intervene more actively and take positive measures to eliminate the conditions that cause or contribute to perpetuating racial discrimination. In line with the programme of activities for the Decade, this may include the adoption of affirmative action policies in areas where discrimination has historically been felt most intensely, such as access to education, health care, employment, justice and participation in the social and economic development of States. In this regard, particular attention should be paid to the situation of women and girls of African descent who face compounded discrimination;

(c) With a view to strengthening democracy and achieving full citizenship, States should encourage the participation of all groups facing racial discrimination, including people of African descent, in the political, social and economic life of their countries. In this regard, Member States should promote intercultural dialogue through a deepening of reciprocal knowledge between the different communities on the basis of universal values and human rights. Similarly, Member States should promote greater knowledge of and respect for the culture, history and heritage of people of African descent and should also take all necessary measures to give full effect to the right of people of African descent, especially children and young people, to equal access to all levels and forms of quality education without discrimination;

(d) Racial discrimination in the administration of justice subverts the rule of law, undermines faith in the legal system and results in victimization of people of African descent by the very institutions responsible for their protection. This is manifested at all levels of the criminal justice system, from racial profiling during investigation of crimes, through disproportionate levels of police violence, to harsher sentences. Member States should make it clear that racial discrimination in stop-and-search procedures, frequency and/or severity of charges, convictions and/or sentencing is unlawful and constitutes a violation of human rights, and should take all necessary steps to combat racial discrimination against people of African descent at all stages of the justice system;

(e) In order to monitor the situation of people of African descent, assess progress made, increase visibility, identify social gaps and formulate public policies, Member States should collect, compile, analyse, disseminate and publish reliable statistical data on the human rights situation of people of African descent. Such statistical data should be disaggregated in accordance with national legislation, while upholding the right to privacy and the principle of self-identification;

(f) All relevant stakeholders are encouraged to contribute to the OHCHR special fund or specific project established for the activities of the Decade.